IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10592 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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MADHUBEN HARIYA GANPAT KAHAR

Versus

COMMISSIONER OF POLICE

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Appearance:

MR SATISH R PATEL for Petitioner

MR H.H.PATEL, ASSTT. GOVERNMENT PLEADER

for Respondent No. 1, 2, 3

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/02/2001

ORAL JUDGEMENT

It is not in dispute that the last criminal complaint was registered against the petitioner on 8th of May, 2000 and the order of detention has been made on 19th September, 2000 and the petitioner is ordered to be

detained as a boot-legger. This order is passed by the Police Commissioner, Vadodara city. The delay in passing the order has not been explained by the respondents either in the order, grounds of detention or by filing reply to this petition and it remains unexplained. Under these circumstances, this Court has left with no option but to allow this petition. Accordingly this petition is allowed. The order of detention of the petitioner dated 19th September, 2000 is quashed and set aside. The petitioner Madhuben Hariya Ganpat Kahar, the detenue, at present in Sabarmati Central Jail, Ahmedabad be set at liberty forthwith, if she is not required in any other case. Rule is made absolute. The respondent-State is directed to pay costs of the petition to the petitioner, which is quantified at Rs.5,000/-.

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